

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

JAMES HOWARD WINSLOW
SSN xxx-xx-3357
BILLIE REID WINSLOW
SSN xxx-xx-5575
2006 Asbury Drive
Elizabeth City, NC 27909

Debtors

**CHAPTER 11
CASE NO.: 10-06745-8-JRL**

OBJECTION TO CLAIM BY TRUSTEE

NOW COMES Richard D. Sparkman, Bankruptcy Trustee by and through counsel, and hereby objects to Proof of Claim # 52 filed by Bernd H. Weber for \$98,788.61 as follows:

- () The claim is a duplicate of claim # and should be Denied.
- () Creditor has filed unsecured claim but failed to provide proper documentation to support the claim. Creditor is given 30 days from the date of this objection to provide documentation to support claim, failing which claim is denied in full for distribution purposes in this bankruptcy proceeding.
- (X) Creditor has provided documentation evidencing a claim against Tanglewood Farms, LLC; however no evidence of contract and/or personal guaranty between Claimant and James Winslow and/or Billie Reid Winslow was provided. Deny claim in full for distribution purposes in this bankruptcy proceeding.
- () Provided documentation fails to support a perfected secured or priority claim classification. Allow Claim as general unsecured only.
- () Creditor has filed secured claim for collateral not liquidated by the Bankruptcy Trustee. Upon information and belief, debtor has retained the collateral and is maintaining payments. Deny claim in full for liquidation purposes in this bankruptcy proceeding.
- () Creditor has filed secured claim for collateral not liquidated by the Bankruptcy Trustee. Upon information and belief, the collateral was surrendered to secured creditor for liquidation. Secured creditor is given 30 days from the date of this objection to complete liquidation of its collateral and file unsecured deficiency claim with the Bankruptcy Court failing which claim is denied in full for distribution purposes in this bankruptcy proceeding.

DATED: October 3, 2012

BY: /s/ Richard DeWitte Sparkman
Richard DeWitte Sparkman
Bankruptcy Trustee
State Bar No. 6857
P. O. Box 1687
Angier, NC 27501
Telephone: 919/639-6181

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NOTICE OF OBJECTION TO CLAIM

NOTICE is hereby given of the Objection To Claim #52 filed by Bernd H. Weber for \$98,788.61 by Trustee, filed simultaneously herewith by and through undersigned counsel; and

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the objection, or if you want the court to consider your views on the objection, then on or before **November 5, 2012**, unless otherwise ordered, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

For Raleigh Division Cases Only
U.S. Bankruptcy Court
300 Fayetteville Street, 2nd Floor
Post Office Box 1441
Raleigh, NC 27602-1441

For Cases in All Other Divisions
U.S. Bankruptcy Court
1760-A Parkwood Boulevard W.
Wilson, NC 27893-3564

Pursuant to that Memorandum from Chief Bankruptcy Judge J. Rich Leonard, EDNC, dated February 24, 2005, attorneys practicing in the United States Bankruptcy Court for the Eastern District of North Carolina, including attorneys admitted pro hac vice, are required to file electronically all documents [including new bankruptcy petitions, motions, memoranda of law, and other pleadings, but excluding proofs of claim and documents to be placed under seal in accordance with Local Bankruptcy Rule 5005-4(6)]. Any documents required to be filed electronically pursuant to Local Bankruptcy Rule 5005-4(1) but presented in paper form on or after April 1, 2005, shall be accompanied by an application for an exemption from this rule and a proposed order granting the relief sought. The application shall state the reason(s) why electronic filing would impose an extreme hardship on the attorney. Local Bankruptcy Rules pertaining to electronic filing, including Local Bankruptcy Rules 5005-4(1) and 5005-4(2) may be found on the Court's website www.nceb.uscourts.gov. Electronic filing may be done through the Court's website. The Court's mailing address is:

**Clerk US Bankruptcy Court
P.O. Box 1441
Raleigh, NC 27602-1441**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Richard D. Sparkman
Chapter 11 Trustee
P. O. Box 1687
Angier, NC 27501

Bankruptcy Administrator
Attn: Marjorie K. Lynch
1760-B Parkwood Blvd.
Wilson, NC 27893

Trawick H. Stubbs, Jr.
Attorney for Debtors
Stubbs & Perdue, P.A.
P.O. Drawer 1654
New Bern, NC 28563

James Howard Winslow
Billie Reid Winslow
2006 Asbury Drive
Elizabeth City, NC 27609

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the objection at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

DATED: October 3, 2012

RICHARD D. SPARKMAN & ASSOCIATES, P. A.

BY: /s/ Richard DeWitte Sparkman
Richard DeWitte Sparkman
Bankruptcy Trustee
N. C. State Bar No. 6857
PO Box 1687
Angier, NC 27501
(919) 639-6181

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AFFIDAVIT OF TRUSTEE

I, Richard D. Sparkman, Trustee in the above-referenced case, hereby make solemn oath that:

1. I am the duly appointed Trustee in the above-referenced case.
2. I represent no interest adverse to the above captioned Debtor, or its estate in the matters upon which I am to be engaged.
3. I am familiar as Trustee with the claims as filed and the basis for objection thereto, and believe the Objection to be valid and reasonable, upon information and belief.

This the 3rd day of October, 2012.

RICHARD D. SPARKMAN & ASSOCIATES, P.A.

**BY: /s/ Richard DeWitte Sparkman
Richard DeWitte Sparkman
Bankruptcy Trustee
State Bar No. 6857
P. O. Box 1687
Angier, NC 27501
Telephone No. (919) 639-6181**

Sworn to and subscribed before me
this 3rd day of October, 2012.

(Official Seal)

/s/ Erica S. Jones
Notary Public Erica S. Jones
My commission expires: 02/13/2016

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CERTIFICATE OF SERVICE

I, Erica S. Jones , of P. O. Box 1687, Angier, N.C., 27501, certify:

That I am, and at all time hereinafter mentioned was, more than eighteen (18) years of age:

That on the 3rd day of October, 2012, I served a copy of Objection To Claim and Notice of Objection To Claim **No. 52** filed by **Bernd H. Weber for \$98,788.61** to the parties in interest as indicated below:

Bankruptcy Administrator
Attn: Marjorie K. Lynch
1760-B Parkwood Blvd.
Wilson, NC 27893
***via electronic mail**

Trawick H. Stubbs, Jr.
Attorney for Debtors
Stubbs & Perdue, P.A.
P.O. Drawer 1654
New Bern, NC 28563

Bernd H. Weber
Suite 702
55 Kingsbridge Garden Circle
Mississauga, Ontario L5R1Y1, Canada

James Howard Winslow
Billy Reid Winslow
2006 Asbury Drive
Elizabeth City, NC 27909

by depositing copies hereof in a preaddressed envelope with sufficient postage thereon in a post office of official depository under the exclusive care and custody of the United States Postal Service and/or electronic filing.

I certify under penalty of perjury that the foregoing is correct.

Executed on: October 3, 2012

Richard D. Sparkman & Associates, P. A.

BY: /s/ Erica S. Jones
Erica S. Jones
Legal Assistant
P. O. Box 1687
Angier, North Carolina 27501
Telephone: 919/639-6181